

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ALEXANDER OCASIO,

Plaintiff(s),

vs.

OFFICER PEREZ, et al.,

Defendant(s).

Case No. 2:16-cv-00956-GMN-NJK

**ORDER**

Plaintiff is proceeding in this action *pro se* and has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket No. 1. Plaintiff also submitted a Complaint on April 27, 2016. Docket No. 1-1.

Now pending before the Court is Plaintiff's notice of his intent to withdraw his *in forma pauperis* application and his complaint, which is premised on Plaintiff's contention that his action is now time-barred because the Court did not grant him *in forma pauperis* status prior to expiration of the statute of limitations. Docket No. 2. Plaintiff's premise is faulty. For statute of limitations purposes, "a complaint will be deemed filed at the time it is delivered to the clerk with an IFP application, and . . . no time will be deducted from any limitations period while the application awaits a ruling." *Escobedo v. Applebees*, 787 F.3d 1226, 1233 (9th Cir. 2015). Accordingly, the pendency of Plaintiff's *in forma pauperis* application has no bearing on whether Plaintiff's complaint is timely.

1 The Court typically adheres to requests by plaintiffs to terminate their cases. In light of  
2 Plaintiff's status as a *pro se* litigant and the fact that his reason for seeking to end this case is  
3 incorrect as a matter of law, however, the Court will afford Plaintiff an opportunity to review the  
4 above reasoning and decide whether he does in fact seek to end this case. Accordingly, no later than  
5 June 6, 2016, Plaintiff shall file a notice indicating whether he intends to continue proceeding with  
6 this case or whether he intends to have the case dismissed.

7 IT IS SO ORDERED.

8 Dated: May 23, 2016

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NANCY J. KOPPE  
United States Magistrate Judge  
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